

107th CONGRESS  
1st Session  
**S. 214**

To elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

**IN THE SENATE OF THE UNITED STATES**

**January 30, 2001**

Mr. MCCAIN (for himself, Mr. INOUE, Mr. CONRAD, Mr. DASCHLE, and Mr. CAMPBELL) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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**A BILL**

To elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH.**

(a) ESTABLISHMENT- There is established within the Department of Health and Human Services the Office of the Assistant Secretary for Indian Health in order to, in a manner consistent with the government-to-government relationship between the United States and Indian tribes--

- (1) facilitate advocacy for the development of appropriate Indian health policy; and
- (2) promote consultation on matters related to Indian health.

(b) ASSISTANT SECRETARY FOR INDIAN HEALTH- In addition to the functions performed on the date of enactment of this Act by the Director of the Indian Health Service, the Assistant Secretary for Indian Health shall perform such functions as the Secretary of Health and Human Services (referred to in this section as the 'Secretary') may designate. The Assistant Secretary for Indian Health shall--

- (1) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;
- (2) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;
- (3) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;
- (4) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and
- (5) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.

(c) REFERENCES- Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Director of the Indian Health Service shall be deemed to refer to the Assistant Secretary for Indian Health.

(d) RATE OF PAY-

(1) POSITIONS AT LEVEL IV- Section 5315 of title 5, United States Code, is amended--

(A) by striking the following:

'Assistant Secretaries of Health and Human Services (6).'; and

(B) by inserting the following:

'Assistant Secretaries of Health and Human Services (7).'

(2) POSITIONS AT LEVEL V- Section 5316 of title 5, United States Code, is amended by striking the following: 'Director, Indian Health Service, Department of Health and Human Services.'

(e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN HEALTH- Section 601(a) of the Indian Health Care Improvement Act (25 U.S.C. 1661(a)) is amended--

- (1) by inserting '(1)' after '(a)';
- (2) in the second sentence of paragraph (1), as so designated, by striking 'a Director,' and inserting 'the Assistant Secretary for Indian Health,'; and
- (3) by striking the third sentence of paragraph (1) and all that follows through the end of the subsection and inserting the following: 'The Assistant Secretary for Indian Health shall carry out the duties specified in paragraph (2).

(2) The Assistant Secretary for Indian Health shall--

- (A) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;
- (B) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;
- (C) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;
- (D) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and
- (E) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.'

(f) CONTINUED SERVICE BY INCUMBENT- The individual serving in the position of Director of the Indian Health Service on the date preceding the date of enactment of this Act may serve as Assistant Secretary for Indian Health, at the pleasure of the President after the date of enactment of this Act.

(g) CONFORMING AMENDMENTS-

(1) AMENDMENTS TO INDIAN HEALTH CARE IMPROVEMENT ACT- The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended--

(A) in section 601--

- (i) in subsection (c), by striking 'Director of the Indian Health Service' both places it appears and inserting 'Assistant Secretary for Indian Health'; and
- (ii) in subsection (d), by striking 'Director of the Indian Health Service' and inserting 'Assistant Secretary for Indian Health'; and

(B) in section 816(c)(1), by striking 'Director of the Indian Health Service' and inserting 'Assistant Secretary for Indian Health'.

(2) AMENDMENTS TO OTHER PROVISIONS OF LAW- The following provisions are each amended by striking 'Director of the Indian Health Service' each place it appears and inserting 'Assistant Secretary for Indian Health':

(A) Section 203(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 761b(a)(1)).

(B) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377 (b) and (e)).

(C) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b-2(d)(1)).